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ms. Johns

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-203157

DATE: May 19, 1981

MATTER OF: Gillette Industries, Inc.

[Protest Alleging that Proposed Awardees]

DIGEST:

Allegation that bidders cannot perform contracts involves bidders' responsibility, affirmative determination of which is not reviewed by GAO except in cases of fraud or misapplication of definitive responsibility criteria set forth in solicitation. Since neither exception is applicable, protest is dismissed.

Gillette Industries, Inc. protests the proposed award of contracts to Cecile Industries, Inc. and Helenwood Manufacturing under invitation for bids (IFB) DLA100-81-B-0707, issued by the Defense Personnel Support Center, Defense Logistics Agency. Gillette asserts that Cecile's and Helenwood's bids are "nonresponsive" because a shortage of the required material will cause actual costs to exceed their bid prices. Therefore, the protester asserts, the bids must not be based on the IFB's specifications. Gillette also alleges that the two firms are not responsible because they have bid below cost and have had a consistent pattern of failure to timely complete Government contracts.

Although Gillette first characterizes the alleged deficiencies as relating to the "responsiveness" of the other firms' bids, the allegations actually relate to the firms' responsibility. Responsiveness concerns the promise of a bidder to perform in accordance with the invitation; a bid is "responsive" if, as submitted, it is an offer to perform the exact thing called for in the solicitation. See John Grace & Co., Inc., B-190439, February 15, 1978, 78-1 CPD 131. There is no evidence that the other bidders took exception to the solicitation requirements and therefore we have no basis for viewing the bids as nonresponsive.

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Determinations of responsibility are largely within the discretion of contracting officers. This Office does not review protests of affirmative determinations of responsibility unless fraud on the part of procuring officials is alleged or the solicitation contains definitive responsibility criteria which allegedly have not been applied. See Bowman Enterprises, Inc., B-194015, February 16, 1979, 79-1 CPD 121. Neither is the case here.

The protest is dismissed.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel